

REMARKS

Upon entry of this amendment, claims 1-17 and 19-32 will be pending. Claims 1-32 were pending. Claim 18 is cancelled without prejudice or disclaimer. No new claims have been added. Claims 1, 11, 17, 19, and 32 have been amended to more clearly define the claimed invention. Support for claims 1, 11, 17, 19, and 32 as amended may be found throughout the specification and in those claims as originally filed. Accordingly, no new matter is added by the amendment.

Restriction Requirement

The Examiner required restriction under 35 U.S.C. 121 and 371. See Office Action at page 2. The Examiner asserted that the “application contains claims directed to more than one species of the generic invention” and that those species are “deemed to lack unity of invention.” Id (citing PCT Rule 1.31). The Examiner required election of a single species.

Without acquiescing to the soundness of the requirement, Applicants elect a species wherein the transition moiety is a modified base nucleotide (original claim 8), wherein the modified nucleotide is a modified base nucleotide (original claim 9), and wherein the modified base nucleotide is tetrafluoroindolyl (original claim 13). For example, any of several oligonucleotides listed in Table XII on page 110, including ISIS 36697. The following claims read on the elected species: 1-9, 11-13, 17, 19-23, 26-28, and 32.

The Office Action also discusses one reference, Krotz et al. (US 2003/0096770 A1) and asserts that this reference anticipates certain of the original claims. See Office Action at page 3. Since the claims were not rejected under 35 U.S.C. § 102, Applicants do not address the Examiner’s remarks here. By not addressing the discussion of Krotz et al., Applicants do not acquiesce to the assertion that this reference anticipates the listed claims.

CONCLUSION

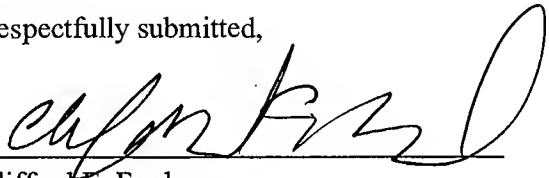
Applicants submit that the present response is complete and complies with the requirements of 35 U.S.C. §121 and §372.

FEES

Applicant herewith petitions for a five- month extension of time and submits the required extension of time fee. It is believed that no additional fees are due at this time. However, if an additional fee is due, the Commissioner is hereby authorized to charge the Deposit Account 50-0252 referencing case number CORE0037USA.

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Respectfully submitted,


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